

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DONNA CURLING, *et al.*

Plaintiffs,

v.

BRAD RAFFENSPERGER, *et al.*,

Defendants.

CIVIL ACTION

FILE NO. 1:17-cv-2989-AT

DECLARATION OF SARA KOTH

Pursuant to 28 U.S.C. § 1746, I, SARA KOTH, make the following declaration:

1. My name is Sara Koth. I am over the age of 21 years, and I am under no legal disability which would prevent me from giving this declaration. If called to testify, I would testify under oath to these facts.

2. I am currently the Chief Investigator of the Office of Secretary of State's Investigations Division. In that role, I oversee twenty-four other investigators which investigate matters concerning elections, charities,

securities, professional licensing, corporations, and cemeteries. I and all investigators of our Division are law enforcement officers certified by the Georgia Peace Officer Standards and Training Council. See O.C.G.A. § 35-8-1, *et seq.*

3. In the course of an investigation, our investigators gather pertinent information, conduct interviews with subjects of the investigations, and report findings to the governmental entity which authorized or referred the investigation to our office. Those entities include the State Election Board, various Professional Licensing Boards, and the Secretary of State (in his capacity as Securities Commissioner).

4. The investigations we conduct may result in civil enforcement actions pursued by the relevant entity and/or criminal prosecution pursued by the appropriate prosecuting authority.

5. In addition to attending to investigations referred by Georgia governmental entities, we also work with other investigative authorities within and outside of Georgia who often seek non-public information for purposes of their investigations and/or joint investigations with those entities. Some of those authorities include the Federal Bureau of Investigation, Sheriffs'

Offices within and outside Georgia, Securities Divisions of other states, and local District Attorneys.

6. I have reviewed documents over which State Defendants are asserting investigative privilege in this case and which I understand are being withheld on the basis of investigative privilege.

7. I am not a lawyer, but understand that the purpose of the investigatory privilege includes protecting law enforcement techniques and procedures, preserving the confidentiality of sources, protecting witnesses and law enforcement personnel, safeguarding the privacy interests of individuals involved in an investigation, and otherwise protecting the fidelity of investigations by preventing interference in those investigations.

8. I offer this declaration in support of a claim of investigative privilege concerning the following documents, all of which contain information about active investigations, which, if released, could harm those investigations:

a. 2374 001.PDF. This document contains my personal notes in beginning to craft an investigative plan into Coffee County, a list of persons to be interviewed with my handwritten notes and contact information for individuals, notes from a meeting outlining a plan for investigating the

access, and initial research on possible witnesses using databases from federal agencies. Disclosure of these documents without proper consideration for their confidentiality could jeopardize those investigations by revealing the methods and notes of investigators.

b. 2375_001.PDF. This file contains a list of evidence we planned to or are obtaining regarding the investigation, including specific types of records we would seek. It also includes information from the state's consulting expert regarding the forensic examination of the EMS server. Disclosure of these documents without proper consideration for their confidentiality could jeopardize those investigations by revealing the methods and notes of investigators.

c. Coffee County Documents.PDF. This is an email within the Secretary's office that contains several reports of investigations, witness lists, and witness statements. These documents pertain to investigations which, at their conclusion, are reported to the State Election Board and may be bound over to the Attorney General or appropriate District Attorney for enforcement. Revealing information of active elections investigations

contained in these documents without proper safeguards to preserve their confidentiality could similarly interfere with those investigations.

d. Coffee County SEB investigation. This is an email from Ryan Germany to officials in Coffee County regarding the SEB investigation. It outlines specific steps the office will seek to take and asks for input on investigative processes. Disclosure of these documents without proper consideration for their confidentiality could jeopardize those investigations by revealing the methods and notes of investigators.

e. Coffee County-GBI1.pdf. This is an email between the Secretary's office and Agent Whidby of the GBI. It contains several pieces of information that the Secretary's office provided to the GBI. Disclosure of these documents without proper consideration for their confidentiality could jeopardize those investigations by revealing the methods of investigators.

f. RE Coffee County- SEB 2020-250.PDF. This is an email from me providing the then-current draft of the Report of Investigation on Coffee County as an attachment. These documents pertain to the investigations which, at their conclusion, are reported to the State Election Board and may

be bound over to the Attorney General or appropriate District Attorney for enforcement. Revealing information of active elections investigations contained in these documents without proper safeguards to preserve their confidentiality could similarly interfere with those investigations.

g. re_ Formal request for assistance in Coffee County investigation.PDF. This is an email to outside counsel outlining the investigative process to be used based on discussions with the GBI. Disclosure of these documents without proper consideration for their confidentiality could jeopardize those investigations by revealing the methods and notes of investigators.

h. 20221003110145808.pdf. This file contains investigative records related to mileage, location, and hours spent on various components of investigations on Coffee County. Disclosure of these documents without proper consideration for their confidentiality could jeopardize those investigations by revealing the methods and notes of investigators.

i. SEB2020-250 ROI.doc. This is the current report of investigation related to Coffee County. This document contains a variety of detailed

information about the investigation which, at its conclusion, is reported to the State Election Board and may be bound over to the Attorney General or appropriate District Attorney for enforcement. Revealing information of active elections investigations contained in these documents without proper safeguards to preserve their confidentiality could similarly interfere with those investigations.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

This 8th day of October, 2022.


SARA KOTH